

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH SOUTH CENTRAL)	
BELL TELEPHONE COMPANY'S PROPOSED)	CASE NO. 95-166
TARIFF TO RESTRUCTURE RATES FOR)	
PULSELINK® PUBLIC PACKET SWITCHING)	
NETWORK SERVICE)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company, filed April 10, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data filed in support of its proposed tariff revisions on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

In this proceeding, South Central Bell proposes to revise certain tariffs relating to its PulseLink® Public Packet Switching Network Service ("PulseLink") and its Integrated Services Digital Network - Individual Business Service ("ISDN-IBS"). In support of its application, South Central Bell has filed cost information which it seeks to protect as confidential.

The information sought to be protected is not known outside South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to

preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that section is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

PulseLink® is a switching network service that provides a rate for the transport of packet data. Competitors for this service are providers of other packet switching services such as SprintNet, AccuNet, and Compuserve.

ISDN-IBS Service allows business customers to transmit voice and data over ISDN channels through the exchange network. This service is an alternative to other local exchange service offerings, private line/data services, and dedicated private line networks. Competitors for local exchange service are cellular carriers who may also provide cellular data services and will soon


include providers of Personal Communications Services, cable TV providers, and alternate access providers. South Central Bell's competitors for private line/data services and networks are interexchange carriers, resellers, and vendors of microwave, digital radio, fiber, VSAT, and other wireless equipment and services. Disclosure of the information would enable such competitors to determine South Central Bell's costs, contribution, and expected demand from the service which they could use to market their competitive services to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.


This Commission being otherwise sufficiently advised,

IT IS ORDERED that cost support information filed in support of the proposed tariff revision, which South Central Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 17th day of May, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner